IN RE: PETITION FOR ADMIN. VARIANCE

W/S Sturbridge Court, 440' W centerline of Manor Road
10th Election District
6th Councilmanic District
(3 Sturbridge Court)

Elaine & J. William Ruppert Petitioners

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 02-368-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by Elaine & J. William Ruppert, the legal owners of the subject property. The variance request is for property located at 3 Sturbridge Court in the Phoenix area of Baltimore County. The Petitioners herein seek a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit an accessory structure (garage) with a height of 22 ft. in lieu of the maximum permitted building height of 15 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict

4/9/02 miles on one on one of the state of t

compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this $\frac{g^{4}h}{h}$ day of April, 2002, that a variance from Section 400.3 of the B.C.Z.R, to permit an accessory structure (garage) with a height of 22 ft. in lieu of the maximum permitted building height of 15 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj





Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

April 9, 2002

Mr. & Mrs. J. William Ruppert 3 Sturbridge Court Phoenix, Maryland 21131

> Re: Petition for Administrative Variance Case No. 02-368-A Property: 3 Sturbridge Court

Dear Mr. & Mrs. Ruppert:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,
but they llotroco

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	3	Stuzberdae	Const
which is	pre:	sently zoned $\stackrel{\circlearrowleft}{=} \stackrel{R}{\mathrel{\sim}}$	(.C.4

I/We do solemnly declare and affirm, under the penalties of

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) (400.3) 6.2.R.

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) WITH A HEIGHT OF 22 FEET IN LIEU OF THE MAXIMUM PERMITTED BUILDING HEIGHT OF 15 FEET.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

is	erjury, that I/we are the legal owner(s) of the property which the subject of this Petition.
Contract Purchaser/Lessee:	egal Owner(s):
Name - Type or Print Na	I. William Donast me-Type or Point
Signature	gnature :
Address Telephone No. Na	me - Type or Print
City State Zip Code Sig	inature Ruppito
Attorney For Petitioner:	3 Strbridge Court Telephone No
A	roenix MD 21131
Name - Type or Print City	y State Zip Code
Signature	epresentative to be Contacted:
Company Na	J. William Ryport
The state of the s	3 Stiphoides Coxt 410-256:079
	dress Telephone No
City State Zip Code City	Thoenix MD 21131 State Zip Code
A Public dearing having been formally demanded and/or found to be required	d, it is ordered by the Zoning Commissioner of Baltimore County
thus that the subject matter of this petitic regulation of Baltimore County and that the property be reposted	on be set for a public hearing, advertised, as required by the zoning
	Zoning Commissioner of Baltimore County
CASE NO. 02-368-A Reviewed	By D. THAMPSON Date 3/10/00.

Estimated Posting Date _

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	3 S\Address	rebudge Coust	
	Address Procesix	MD State	21/3/ Zip Code
That based upon personal knowledge, the follo Variance at the above address (indicate hardshi	owing are the faction or practical diff	ts upon which I/we base the red iculty):	uest for an Administrative
Rear yard setback of 44' in lieu of County Zoning regulations.	F 50', sectio	n of 1A03.6D, building s	setbacks in Baltimor
Building height of proposed garage County Zoning regulations.			
I'v order to presente	28chlecu 2e Roof	rel contents in .	the committy.
existing Residence.			
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand is additional informa	filed, Affiant(s) will be require ation.	d to pay a reposting and
Signature Signature		Elame Repper	t
J. William Ruppert		Name - Type or Print	ł
STATE OF MARYLAND, COUNTY OF BALTIN	MORE, to wit:		
I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, pe	rsonally appeare	d before me, a	Notary Public of the State
the Affiant(s) herein, personally known or satisfa	actorily identified	to me as such Affiant(s)	
AS WITNESS my hand and Notarial Seal			
	Notary	Public	
	My Cor	nmission Expires	

REV 10/25/01

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

competent to restrik mereto in me event mar a t	nanic licalling is so	inequied in the fature with regard	Thereto.
That the Affiant(s) does/do presently reside at	3 St	rebridge Court	
	Phoenix	Mo	21131
	City	State	Zip Code
That based upon personal knowledge, the folk Variance at the above address (indicate hardsh	owing are the facts hip or practical diffic	s upon which I/we base the requestly):	est for an Administrative
Building height of proposed garage County Zoning regulations. In order to preserve archaeproposed accessory starting	•		
existing Recidence.			
That the Affiant(s) acknowledge(s) that if a fe advertising fee and may be required to provide	ormal demand is additional informat	ion.	
Signature J. William Papeast Name - Type or Print		Signature Repper	
STATE OF MARYLAND, COUNTY OF BALTIM			
I HEREBY CERTIFY, this 5 day of Maryland, in and for the County aforesaid, pe	<i>ARCH</i> ersonally appeared	200 2, before me, a l	Notary Public of the State
JOHN WILLIAM RUPPERT the Affiant(s) herein, personally known or satisfa	ELAINE actorily identified to	me as such Affiant(s).	
AS WITNESS my hand and Notarial Seal	<i>\\</i>	amelad Stu	lu
	Notary F	UDIIC	
	My Com	mission Expires	

REV 10/25/01

PAMELA L. STEELE
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires November 30, 2004



CASE NO. 02-368-A

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	3	St	rspord	æ	Court	
which is					2.C.4	

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) WITH A HEIGHT OF 22 FEET IN LIEU OF THE MAXIMUM PERMITTED BUILDING HEIGHT OF 15 FEET.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

			I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Le	ssee:		Legal Owner(s):
Name - Type or Print			Name - Type or Point
Signature			Signature
Address		Telephone No.	Name - Type or Print
City	State	Zip Code	Signature Supposed
Attorney For Petitioner Name - Type or Print	<u>':</u>		Address Telephone No Phoenix MD 21131 City State Zip Code
,			Representative to be Contacted:
Signature			Thully Q +
Company			Name Sturberdar Court A10-256.079
Address		Telephone No	Address Telephone No 21/3/
City	State	Zip Code	City State Zip Code
A Public Hearing having been this day of regulations of Baltimore County a	. 1	lat the subject matter of tr	required, it is ordered by the Zoning Commissioner of Baltimore County, his petition be set for a public hearing, advertised, as required by the zoning
			Zoning Commissioner of Baltimore County

Reviewed By DITHOMPSON Date

Estimated Posting Date



ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS



Particular Description 6.349 Acre Parcel of Land Lot 2 – "Sturbridge" #3 Sturbridge Court 10th Election District – Baltimore County, Maryland

Beginning for the same at a point located on the westerly right-of-way line of Sturbridge Court (50 feet wide), said point being located at the northerly most corner of Lot 2 as laid out and shown on a plat entitled "Final Subdivision Plat Sturbridge" dated September 24, 1985 and recorded among the Land Records of Baltimore County, Maryland in Plat Book E.H.K. Jr. 54, folio 16

Thence binding on the aforementioned westerly right-of-way line of Sturbridge Court and on the outlines of Lot 2 aforesaid, referring all courses of this description to the meridian of the Baltimore County Metropolitan District

1. Southeasterly by a non-tangential curve to the left having a radius of 50.00 feet, an arc length of 51.05 feet, the chord of said arc bearing South 55 degrees 13 minutes 05 seconds East, 48.86 feet to a point;

Thence binding on the common division line between Lots 1 and 2 as laid out and shown on the aforementioned plat

2. South 19 degrees 31 minutes 35 seconds East, 363.65 feet to a point;

Thence binding on the outlines of Lot 2 aforesaid

3. South 70 degrees 28 minutes 25 seconds West, 766.90 feet to a point;

Thence binding on the common division lines between Lots 2 and 3 as laid out and shown on the aforementioned plat, the following five (5) courses and distances, viz:

- 4. North 00 degrees 28 minutes 25 seconds East, 379.16 feet to a point;
- 5. North 66 degrees 29 minutes 22 seconds East, 21.56 feet to a point;
- 6. North 58 degrees 24 minutes 00 seconds East, 257.16 feet to a point;
- 7. North 70 degrees 00 minutes 37 seconds East, 281.66 feet to a point;

8. North 81 degrees 29 minutes 22 seconds East, 55.10 feet to the point and place of beginning.

Containing an area of 276,582 square feet or 6.349 acres of land, more or less.

Being all of Lot 2 as laid out and shown on a plat entitled "Final Subdivision Plat Sturbridge" dated September 24, 1985 and recorded among the Land Records of Baltimore County, Maryland in Plat Book E.H.K. Jr. 54, folio 16.

The foregoing description has been compiled from deeds and plats of record and not as a result of a field-run boundary survey.



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BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 1115	
DATE 2 16 03, ACCOUNT R	8001006e150	3/06/2002 3/06/2002 11:25:37 REG W504 GASHIER DIDA. DAD DIVANER 2 >>ELEIPI N. 17/275
AMOUNT \$	20 00	CAMILLY DESCRIPTION OF THE PROPERTY OF THE PRO
FROM: FO GRIFFITHS		Marylan
FOR: 17EM # 2068 102-1268-19	PETITON FOR HUM.	
(20 Serve Province of)	NOSOMOTO OF REL	

CASHIER'S VALIDATION

YELLOW - CUSTOMER

PINK - AGENCY

DISTRIBUTION WHITE - CASHIER

CERTIFICATE OF POSTING

<i>:</i>	RE: Case No.: <u>02-368-A</u>
	Petitioner/Developer: Ruppert
	Date of Hearing/Closing: 4-1-02
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	-
This letter is to certify under the penalties were posted conspicuously on the property Phoenix, MD 21131	ty located at 3 Sturbridge Court
	·
The sign(s) were posted on	h 8,2002
CO A HIGH HEADAND AND AND AND AND AND AND AND AND AN	(Month, Day, Year)
	Sincerety,
	(Signature of Sign Poster and Date)
	Stacy Gardner
	SHANNON-BAUM SIGNS INC.
	- 105 COMPETITIVE GOALS DR. ELDERSBURG, MD. 21784
And the state of t	(City, State, Zip Code)
	410 - 781 - 4000
) 	(Telephone Number)

DEPARTMENT F PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

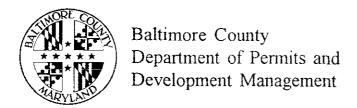
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
tem Number or Case NumberOJ-518-A
Petitioner RUPPERT
Address or Location 3 STURBRIDGE CT., 21101
PLEASE FORWARD ADVERTISING BILL TO
Vame MR+MRS. J. WILLIAM RUPPERT
Address 3 STURBRIDGE CT.
PHOENIX, MD 21131
elephone Number

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 02- 368 -A Address 3 STURBRIDGE CT., 21131
Contact Person: Donna Thompson Phone Number: 410-887-3391
Filing Date: 3 602 Posting Date: 3 17 02 Closing Date: 4 102
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. <u>DEADLINE</u> : The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 02- 368 -A Address 3 STURBRIDEE CT., 21131
Petitioner's Name RUPPERT Telephone 410-356-0798
Posting Date: 3 17 02 Closing Date: 4 102
Wording for Sign: To Permit AN ACCESSORY STRUCTURE (GARAGE) WITH A
HEIGHT OF 22 FEET IN LIEU OF THE BELOWIRLD MAXIMUM PERMITTED
BUILDING HEIGHT OF 15 FEET.



Development Processing County. Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

April 1, 2002

Mr. & Mrs J. William Ruppert 3 Sturbridge Court Phoenix MD 21131

Dear Mr. & Mrs. Ruppert:

RE: Case Number: 02-368-A, 3 Sturbridge Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 06, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

V. Carl Ruchards, Jr.

W. Carl Richards, Jr. 607 Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: April 17, 2002

Department of Permits & Development

Management

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for March 25, 2002

Item Nos 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 375, 376 and 377

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:CEN:cab

cc: File

ZAC-3-25-2002-NO COMMENT ITEMS-04172002.doc



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

March 18, 2002

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF March 18, 2002

Item No.: 360-366, \$68, 370-377

Dear Ms. Zahner:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Marshal's Office has no comments at this time.

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley 735 | ToT

DATE:

April 16, 2002

Zoning Advisory Committee Meeting of March 18, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING FLEMS

360, 361, 362, 365, 366, 367, 369, 370, 371, 372, 373, 375, 377

Waiting on AG Comments for #364, 668

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley QBS 165

DATE:

April 25, 2002

Zoning Advisory Committee Meeting of March 18, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

360, 361, 362, 365, 366, 367, 369, 370, 371, 372, 373, 375, 377

No AG Comments for #364 368

PN 4/1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: March 21, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

MAR 2 2 _

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-358 & 02-368

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Section Chief:

AFK/LL:MAC



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor John D. Porcari

Parker F. Williams Administrator

Secretary

Date: 3.19.72

Mr. George Zahner Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

Baltimore County RE:

Item No. 365 D. 7.

Dear. Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

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